IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 254 OF 2004

The State of Maharashtra ...Appellant

V/s

1. Shri Anil Narayan Gupta
Age 28 years, Occupation Business.

2. Shri Sunil Narayan Gupta,
Age 31 years, Occupation: Business.

3. Shri Narayandas Mangliram Gupta,
Age 63 years, Occupation: Business. ..Respondents.

Mr. D.P. Adsule, APP for the appellant - State.

Mr. Anil Dhavale for respondent nos. 1 to 4.

CORAM: V.M.KANADE,J.

DATE: 9th December, 2004

P.C.

1. Heard the learned APP appearing on behalf of the State and the learned Counsel appearing on behalf of the respondents.

2. State is challenging the Judgment and Order passed by the Judicial Magistrate, First Class, Khadki, Pune in Regular Criminal Case No.104 of 1999.

3. Prosecution's case is that the complainant was assaulted by her husband on her refusal to pay dowry

which was demanded by the accused. The alleged cruelty, assault and demand was made after her marriage which took place on 17/6/1998. The complainant stayed with the respondent No.1 for a period of one month and it is alleged that during this time the said demand of dowry was made. In the cross-examination, the complainant has stated that she was willing to reside with the respondent No.1 - accused if he stays separately with her.

4. The Trial Court has given cogent reasons why the evidence of complainant does not inspire confidence. The other witnesses also have not supported the prosecution's case. There is an unexplained delay of one year in filing the complaint. I do not see any reason to interfere with the said Judgment and Order passed by the Trial Court. Leave is refused. Appeal is dismissed.

V.M. KANADE, J.